

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Clifford Arnell Gooden, III, et al.;
Carlos G. Byrd; and Devonte A. Tracy;

Civ. No. 22-2835 (PAM/DTS)

Plaintiffs,

ORDER

v.

State of Iowa; Et Al.; Judge Meghan
Corbin; Judge Marlita Greves;
Judge John Telleen; Judge Korie
Talkington; Elizabeth O'Donnell,
Prosecutor; Christopher Widmer,
Prosecutor, et al.; Tim Lane, Sheriff of
Scott County Jail; Bawden, C/O; Somner,
C/O; Sgt. Dusil; and Jonathan Noble,
Attorney;

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge David T. Schultz. (Docket No. 4.) The R&R recommends dismissing this matter without prejudice, because Plaintiff Clifford Arnell Gooden, III, filed this lawsuit in an improper venue. See 28 U.S.C. § 1406(a). Additionally, the R&R recommends deeming this action as frivolous under 28 U.S.C. § 1915(g), because Plaintiff contends that he does not wish to pursue this litigation in the proper venue, neither of the other two Plaintiffs have signed the Complaint or established their eligibility for in forma pauperis status, and the Complaint is otherwise flawed. The Court agrees.

Three days after the R&R issued, Plaintiff filed a document seeking to amend his claims and again contending that he cannot to bring this lawsuit in the appropriate venue, but it fails to mention the R&R or state any specific objection to it. (Docket No. 9.) Plaintiff did not file any other document raising objections to the R&R and the time to do so has passed. D. Minn. L.R. 72.2(b).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge's reasoning.

CONCLUSION

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 4) is **ADOPTED**;
2. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Docket No. 2) is **DENIED**;
3. Plaintiff's Motion to Appoint Counsel (Docket No. 3) is **DENIED**;
4. Plaintiff's Motion Requesting for Leave to Amend Lawsuit to Add Additional Plaintiffs, Issues and Defendants (Docket No. 5) is **DENIED as moot**;
5. Plaintiff's Motion to Amend or Provide Supplemental Issues in Support of Pending Lawsuit (Docket No. 6) is **DENIED as moot**;

6. This matter is deemed **FRIVOLOUS** and is **DISMISSED without prejudice**; and
7. Plaintiff shall pay the unpaid balance (\$350) of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court shall provide notice of this requirement to the authorities at the institution where Plaintiff is confined.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Monday, December 19, 2022

s/ Paul A. Magnuson

Paul A. Magnuson

United States District Court Judge